BEFORE THE LOK ADALATH
ORGANIZED BY THE KERALA HIGH COURT LEGAL SERVICES COMMITTEE

PRESENT :

THE HONOURABLE MR. JUSTICE M.M.PAREED PILLAY
(RETD.CHIEF JUSTICE, HIGH COURT OF KERALA)
&
THE HONOURABLE MR. JUSTICE M.R.HARIHARAN NAIR
(RETD.JUDGE, HIGH COURT OF KERALA)

THURSDAY, THE 4TH JANUARY 2007 / 14TH POUSHA 1928

AS.No. 342 of 2000(D)

OS.532/1992 DATED 21-7-1999 of I ADDL.SUB COURT, KOZHIKODE
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APPELLANTS/PLAINTIFFS:
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1. K.BALAKRISHNAN, AGED 54 YEARS,
RESIDING AT SAJI NIVAS,
KARAPARAMBA, CALICUT -10. (DECEASED)
2. AMBUJAKSHI, D/O.K..BALAKRISHNAN,
SOPANAM HOUSE, MULLARIKULANGARA,
MAKKADA.P.O.
VIA KAKKODY, KOZHIKODE.
3. SAJINDRAN, S/O.K.BALAKRISHNAN,
SOPANAM HOUSE, MULLARIKULANGARA, MAKKADA.P.O.
VIA.KAKKODY, KOZHIKODE.
4. K.SUNILKUMAR, -DO- -DO-
5. K.RAJEEV, -DO- -DO-
6. K.SARITHA, D/O.K.BALAKRISHNAN,
-DO- -DO-
7. K.SAJITHA, D/O.K.BALAKRISHNAN,
-DO- -DO-
(ADDL R2 TO R7 ARE IMPLEADED AS PER I.A. NO.1321/06 DATED 14.11.06)

BY ADV. SRI.SABU GEORGE
SRI. JOHN JOSEPH VETTIKAD.

RESPONDENT/DEFENDENT:

THE CALICUT DEVELOPMENT AUTHORITY
REPRESENTED BY ITS SECRETARY, ITS
OFFICE AT AMBEDKAR BUILDINGS,
LINK ROAD, CALICUT.

BY ADV. SRI.V.M.KURIAN
SRI.A.V.THOMAS
SRI.MATHEW B. KURIAN
SRI.K.T.THOMAS

THIS APPEAL SUITS HAVING BEEN COME UP FOR DETERMINATION AT THE LOK ADALATH AND THE PARTIES HAVING SETTLED THE MATTER, THE FOLLOWING AWARD IS PASSED IN TERMS OF THE SETTLEMENT:

M.M.PAREED PILLAY (RETD. CHIEF JUSTICE) &
M.R.HARIHARAN NAIR (RETD. JUDGE)

A.S. No. 342 OF 2000(D)

Dated this the 4th day of January, 2007

A W A R D

M.M.PAREED PILLAY (Rtd. Chief Justice)

Both parties and their counsel are present. The amounts were due in respect of a contract between the appellant's predecessor and the respondent-Development Authority . The appellant's legal heirs are the present claimants. After discussions it was suggested by the appellant's counsel that if a sum of Rs.94,259/- which is covered by a bill prepared by the authority is paid to the appellants without deductions, the matter can be settled. The respondent is also prepared to settle the matter, but it is pointed out that there should be a deduction towards legal charges. This is a case where amount became due long back and the appellant has also suffered loss of interest. Taking into this aspect it was suggested by us that the sum of Rs.94,259/- (Rupees Ninety four thousand two hundred and fifty nine only) should be released as final settlement without any deduction towards legal charges. After discussions this was agreed to. In the circumstances the matter is settled on the following terms:

i. The respondent shall release a sum of Rs.94,259/- (Rupees Ninety four thousand two hundred and fifty nine only) on executing the final supplementary agreement by the appellants on or before 31.1.2007. This will be in full and final settlement of all dues from the respondent.

ii. Court fee paid in the appeal shall be refunded to the appellant's counsel on production of memo.

Appeal is disposed of as above.

M.M.PAREED PILLAY
(RETD. CHIEF JUSTICE)

M.R.HARIHARAN NAIR
(RETD. JUDGE)

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